

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL FILE NO. 3:17-CV-37

UNITED STATES OF AMERICA *ex rel.*
TARYN HARTNETT, and DANA
SHOCHED,

Plaintiffs,

vs.

PHYSICIANS CHOICE LABORATORY
SERVICES, DOUGLAS SMITH, PHILIP
MCHUGH AND MANOJ KUMAR,

Defendants.

CONSENT ORDER

THIS MATTER is before the Court on the Unopposed Motion of the United States for entry of a consent order and entry of final judgment against Defendant Smith in favor of the United States. (Doc. 145: Unopposed Motion). It appears to the Court that the United States and Defendant Douglas Smith have agreed to certain terms resulting in the full and final resolution of all claims set forth in the United States' Complaint in Intervention, (Doc. 38), against Defendant Smith, and as further set forth in the Unopposed Motion, which is incorporated by reference herein.

Wherefore, noting the agreement of the United States and Defendant Smith, and the agreement of Relators James D. Jenkins, Elizabeth Coyle, and Elizabeth Merry (the "*Jenkins* Relators") that the resolution between the United States and Defendant Smith, specifically, entry of the Consent Order and final judgment is fair, adequate, and reasonable under all the circumstances, pursuant to 31 U.S.C. § 3730(c)(2)(B), the Court finds:

1. The Consent Order constitutes the final disposition of all claims between the United States and Defendant Smith and the Unopposed Motion (Doc. 145) should be GRANTED;

2. Final judgment against Defendant Smith and in favor of the United States should be entered in the principal amount of Four Million Five Hundred Thousand Dollars and Zero Cents (\$4,500,000.00), plus post-judgment interest accruing from the date of entry at the applicable Treasury post-judgment interest rate computed daily and compounded annually;

3. Upon entry of final judgment against Defendant Smith, the United States shall dismiss all claims asserted in its Complaint in Intervention (Doc. 38), against Defendant Smith, with prejudice;

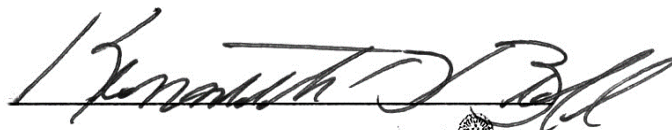
4. Neither the United States or Defendant Smith shall be responsible for the payment of attorneys' fees or costs incurred by either the United States or Defendant Smith in relation to the above-captioned matter, and the Court retains jurisdiction over the claim of Relators James D. Jenkins, Elizabeth Coyle, and Elizabeth Merry, pursuant to 31 U.S.C. § 3730(d), for reasonable expenses, attorneys' fees and costs from Defendant Smith; and

5. Consistent with the Court's February 20, 2019 Order (Doc. 32) all other papers or Orders on file in this matter currently under seal shall remain under seal.

IT IS THEREFORE ORDERED THAT the Unopposed Motion is **GRANTED**. This Consent Order constitutes the final disposition of all claims between the United States and Defendant Smith, and the Court respectfully directs the Clerk of Court to enter final judgment as to Defendant Smith in accordance with its terms.

SO ORDERED.

Signed: March 30, 2021



Kenneth D. Bell
United States District Judge

